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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

YOUYI WU,)	No. C 07-3469 JF
)	
Plaintiff,)	
)	
v.)	
)	
ALBERTO GONZALES, United States)	ANSWER
Attorney General, United States Department)	
of Justice; MICHAEL CHERTOFF,)	
Secretary, Department of Homeland)	
Security; EMILIO T. GONZALEZ,)	
Director, United States Citizenship and)	
Immigration Services; DAVID STILL, San)	
Francisco District Director, United States)	
Citizenship and Immigration Services;)	
ROBERT S. MUELLER, III, Director,)	
Federal Bureau of Investigations,)	
)	
Defendants.)	

The Defendants hereby submit their answer to Plaintiff's Petition for Hearing on Naturalization Application Under 8 U.S.C. § 1447(b).

1. Paragraph One consists of Plaintiff's characterization of this action for which no answer is required; however, to the extent that such allegations are deemed to require an answer, Defendants admit that the application is pending with the USCIS.

PARTIES

2. Defendants admit the allegations in Paragraph Two.

ANSWER
 No. C 07-3469 JF

1 3. Defendants deny the allegations in Paragraph Three.

2 4. Defendants admit the allegations in Paragraph Four.

3 5. Defendants admit the allegations in Paragraph Five.

4 6. Defendants admit the allegations in Paragraph Six with the exception that Defendants aver
5 that Rosemary Melville is the District Director for District 21.

6 7. Defendants admit the allegations in Paragraph Seven.

7 **JURISDICTION**

8 8. Paragraph Eight consists of Plaintiff's allegation regarding jurisdiction, to which no
9 responsive pleading is required; however, to the extent a responsive pleading is deemed necessary,
10 Defendant denies that this Court has jurisdiction under any of the provisions cited in Paragraph
11 Eight.

12 **VENUE**

13 9. Paragraph Nine consists of Plaintiff's allegations regarding venue, to which no responsive
14 pleading is required.

15 **INTRADISTRICT ASSIGNMENT**

16 10. Paragraph Ten consists of Plaintiff's allegations regarding intradistrict assignment, to
17 which no responsive pleading is required; however, to the extent a responsive pleading is deemed
18 necessary, Defendants are without sufficient information or knowledge to either admit or deny that
19 Plaintiff's allegations regarding intradistrict assignment.

20 **CAUSE OF ACTION**

21 11. Defendants admit the allegations in Paragraph Eleven.

22 12. Defendants admit the allegations in Paragraph Twelve with the exception that
23 Defendants aver that Plaintiff was interviewed on the application, and the examination process is
24 still ongoing.

25 13. Defendants are without sufficient information to admit or deny the allegations in
26 Paragraph Thirteen.

27 14. Paragraph Fourteen consists of Plaintiff's conclusions of law for which no answer is
28 required; however, to the extent that such allegations are deemed to require an answer, Defendants

1 deny the allegations contained in this paragraph.

2 **PRAYER**

3 15. Paragraphs Fifteen consists of Plaintiff's prayer for relief, to which no admission or
4 denial is required; to the extent a responsive pleading is deemed to be required, Defendants deny this
5 paragraph.

6 **FIRST AFFIRMATIVE DEFENSE**

7 The Court lacks jurisdiction over the subject matter of this action.

8 **SECOND AFFIRMATIVE DEFENSE**

9 The Complaint fails to state a claim against the Defendants upon which relief can be granted.

10 **THIRD AFFIRMATIVE DEFENSE**

11 No acts or omissions by the United States or its employees were the proximate cause of any
12 injury or damages to the Plaintiff.

13 **FOURTH AFFIRMATIVE DEFENSE**

14 At all times alleged in the complaint, Defendant was acting with good faith, with
15 justification, and pursuant to authority.

16 **FIFTH AFFIRMATIVE DEFENSE**

17 The Defendant is processing the application referred to in the Complaint to the extent
18 possible at this time. Accordingly, no relief as prayed for is warranted.

19 WHEREFORE, Defendants prays for relief as follows:

20 That judgment be entered for Defendants and against Plaintiff, dismissing Plaintiff's Petition
21 with prejudice; that Plaintiff takes nothing; and that the Court grant such further relief as it deems
22 just and proper under the circumstances.

23 Date: September 7, 2007

Respectfully submitted,

24 SCOTT N. SCHOOLS
25 United States Attorney

26 /s/
27 MELANIE L. PROCTOR
28 Assistant United States Attorney
Attorneys for Defendants